IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 25121 of 2004

Between:

1. Kovvuri Satti Reddy, S/o.Venkata Reddy, Age:56 Yrs., Occ;Agriculture, R/o.Nattarameswaram village, Penumantra Mandal, West Godavari District.

2. Kovvuri Sitaratnam, W/o.Suryanarayana Reddy, Age:61 Yrs., Occ:Agrl., R/o.Nattarameswaram village, Penumantra Mandal, West Godavari District.

3. Thaviti Pedduppari S/o.Bairavudu, Age:39 Yrs., Occ:Agrl., R/o.Nattarameswaram village, Penumantra Mandal, West Godavari District.

..... PETITIONERS

AND

1. The Assistant Commissioner, Endowments Department, Eluru, West Godavari District.

2. The Deputy Commissioner, Endowments Department, Kakinada, East Godavari District.

3. Sri Rameswara Swamy Temple, Nattarameswaram village, Penumantra Mandal, West Godavari Dist., rep.by its Manager.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records and issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declare the action of the respondents in trying to dispossess the petitioners forcibly from the lands, which are under the cultivation of the petitioners in an extent of Ac.12.85 cents, and Ac.4-06 cents

respectively, of the third respondent temple situated in R.S.No.197 of Natta Rameswaram village, Penumantra Mandal, West Godavari District, without following due process of law is illegal, arbitrary and violative of Articles 14,21 and 300(A) of the Constitution of India apart from being violation of the principles of Natural Justice.

Counsel for the Petitioner: MR.VENKATA RANGADAS KANURI

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court at the stage of admission made the following ORDER:

Petitioners claim to be the cultivating tenants of various extents of land belonging to Sri Rameswara Swamy Temple, Nattarameswaram village, Penumantra mandal, West Godavari district. They seek a direction to the respondents not to dispossess them.

Heard learned counsel for the petitioners, learned Government Pleader for Endowments and learned standing counsel for the third respondent temple.

The petitioners state that they are the tenants of the lands of the temple referred to above, since last several years. According to them, they submitted an application before the first respondent seeking a declaration that they are landless poor persons, as defined under explanation to Section 82 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'). The first respondent is said to have rejected their claim through proceedings dated 03.12.2004 and the petitioners allege that they preferred an appeal before the Regional Joint Commissioner, Kakinada. They allege that even while their claim is pending in appeal, the respondents are taking steps to dispossess them. Under Section 82 of the Act, leases in respect of the agricultural lands stood terminated. The Government framed Rules for enforcing the provisions of Section 82 of the Act. Certain benefit is conferred in favour of the landless poor persons, as defined under explanation to Section 82. It is not in dispute that the tenancy is in respect of the wet lands. According to the definition, only such persons, who are not owners or lessees in respect of the wet land not exceeding Ac.2.50 cents, are entitled to be declared as landless poor persons. Even on their own showing, the petitioners are lessees in respect of about Ac.20.00 of land in all. Therefore, the question of their being

treated as landless poor does not arise. Under the Rules framed by the Government, the only method to be adopted while granting leasehold rights is by way of public auction. The law does not require any further steps to be taken for the purpose of resuming the possession from the existing tenants.

Hence, the writ petition is dismissed. There shall be no order as to costs.

31.12.2004

ksld

To

1. The Assistant Commissioner, Endowments Department, Eluru, West Godavari District.

2. The Deputy Commissioner, Endowments Department, Kakinada, East Godavari District.

3. The Manager, Sri Rameswara Swamy Temple, Nattarameswaram village, Penumantra Mandal, West Godavari Dist.

4 Two C.Cs. to the Government Pleader for Endowments, High Court

Buildings, A.P., Hyderabad, (OUT).

5 Two C.D. Copies.